

Senate File 430

H-8304

1 Amend the amendment, H-8270, to Senate File 430,
2 as amended, passed, and reprinted by the Senate, as
3 follows:

4 1. By striking page 1, line 5, through page 2, line
5 38, and inserting:

6 <Section 1. Section 7E.5, subsection 2, paragraph
7 a, Code Supplement 2011, is amended to read as follows:

8 a. There is a civil rights commission, a public
9 employment relations board, an interstate cooperation
10 commission, an Iowa ethics, and campaign disclosure,
11 and public information board, and an Iowa law
12 enforcement academy.

13 Sec. _____. Section 8.7, Code Supplement 2011, is
14 amended to read as follows:

15 **8.7 Reporting of gifts and bequests received.**

16 All gifts and bequests received by a department
17 or accepted by the governor on behalf of the state
18 shall be reported to the Iowa ethics, and campaign
19 disclosure, and public information board and the
20 general assembly's standing committees on government
21 oversight. The Iowa ethics, and campaign disclosure,
22 and public information board shall, by January 31 of
23 each year, submit to the fiscal services division
24 of the legislative services agency a written report
25 listing all gifts and bequests received during the
26 previous calendar year with a value over one thousand
27 dollars and the purpose for each such gift or bequest.
28 The submission shall also include a listing of all
29 gifts and bequests received by a department from
30 a person if the cumulative value of all gifts and
31 bequests received by the department from the person
32 during the previous calendar year exceeds one thousand
33 dollars, and the Iowa ethics, and campaign disclosure,
34 and public information board shall include, if
35 available, the purpose for each such gift or bequest.
36 However, the reports on gifts or bequests filed by the
37 state board of regents and the Iowa state fair board
38 pursuant to section 8.44 shall be deemed sufficient to
39 comply with the requirements of this section.

40 Sec. _____. Section 17A.2, subsection 11, paragraph
41 1, Code 2011, is amended to read as follows:

42 1. An advisory opinion of the Iowa ethics, and
43 campaign disclosure, and public information board.

44 Sec. _____. Section 21.6, subsection 3, paragraph a,
45 subparagraph (3), Code Supplement 2011, is amended to
46 read as follows:

47 (3) Reasonably relied upon a decision of a court, a
48 formal opinion of the Iowa ethics, campaign disclosure,
49 and public information board, the attorney general,
50 or the attorney for the governmental body, given in

1 writing, or as memorialized in the minutes of the
2 meeting at which a formal oral opinion was given,
3 or an advisory opinion of the Iowa ethics, campaign
4 disclosure, and public information board, the attorney
5 general, or the attorney for the governmental body,
6 given in writing.

7 Sec. _____. Section 22.7, subsection 52, paragraph d,
8 Code Supplement 2011, is amended to read as follows:

9 d. This subsection does not apply to a report filed
10 with the Iowa ethics, and campaign disclosure, and
11 public information board pursuant to section 8.7.

12 Sec. _____. Section 22.7, Code Supplement 2011, is
13 amended by adding the following new subsection:

14 NEW SUBSECTION. 65. Tentative, preliminary,
15 draft, speculative, or research material, prior
16 to its completion for the purpose for which it is
17 intended and in a form prior to the form in which it is
18 submitted for use or used in the actual formulation,
19 recommendation, adoption, or execution of any official
20 policy or action by a public official authorized to
21 make such decisions for the governmental body or the
22 government body. This subsection shall not apply to
23 public records that are actually submitted for use or
24 are used in the formulation, recommendation, adoption,
25 or execution of any official policy or action of a
26 governmental body or a government body by a public
27 official authorized to adopt or execute official policy
28 for the governmental body or the government body.

29 Sec. _____. Section 22.10, subsection 3, paragraph
30 b, subparagraph (3), Code Supplement 2011, is amended
31 to read as follows:

32 (3) Reasonably relied upon a decision of a court, a
33 formal opinion of the Iowa ethics, campaign disclosure,
34 and public information board, the attorney general, or
35 the attorney for the government body, given in writing,
36 or as memorialized in the minutes of the meeting at
37 which a formal oral opinion was given, or an advisory
38 opinion of the Iowa ethics, campaign disclosure, and
39 public information board, the attorney general, or the
40 attorney for the government body, given in writing.>

41 2. Page 2, line 25, by striking <Board>

42 3. Page 2, by striking lines 28 and 29 and
43 inserting <through an efficient, informal, and>

44 4. Page 2, line 32, after <Iowa> by inserting
45 <ethics, campaign disclosure, and>

46 5. Page 2, line 33, by striking <23.3> and
47 inserting <68B.32>

48 6. Page 3, after line 2 by inserting:

49 <3A. "Council" means the Iowa public information
50 advisory council established in section 23.3.>

1 7. Page 3, by striking lines 17 through 21 and
2 inserting:
3 <Sec. _____. NEW SECTION. 23.3 Iowa public
4 information advisory council established.
5 1. An Iowa public information advisory council is
6 established for the purpose of assembling a diverse
7 group of persons to make recommendations to the board
8 concerning the best means to ensure compliance with
9 and the enforcement of the requirements of chapters 21
10 and 22. The council shall meet at least quarterly and
11 at other times as necessary to meet the requirements
12 of this section. The council shall consist of the
13 following seven members appointed by the governor:>
14 8. Page 3, by striking lines 32 through 35 and
15 inserting:
16 <g. One member of the public.>
17 9. Page 4, by striking line 1 and inserting:
18 <2. Members appointed to the council shall serve
19 staggered>
20 10. Page 4, by striking line 4 and inserting:
21 <3. A quorum of the council shall consist of four
22 members.>
23 11. Page 4, by striking line 5 and inserting:
24 <4. A vacancy on the council shall be filled by the
25 governor,>
26 12. Page 4, by striking lines 7 through 12 and
27 inserting:
28 <5. The council shall select one of its members to
29 serve as chairperson.>
30 13. Page 4, line 14, by striking <Board> and
31 inserting <Council>
32 14. Page 4, line 16, by striking <board> and
33 inserting <council>
34 15. Page 5, line 11, after <duties> by inserting
35 <under this chapter>
36 16. Page 5, line 12, after <two> by inserting
37 <additional>
38 17. Page 5, line 13, after <authority> by inserting
39 <under this chapter>
40 18. Page 5, line 16, after <employees> by inserting
41 <executing its authority under this chapter>
42 19. Page 5, line 30, by striking <or through
43 mediation and settlement> and inserting <and advice>
44 20. Page 6, after line 1 by inserting:
45 <4A. Establish a procedure for requesting and
46 issuing board advisory opinions to persons subject to
47 the authority of the board under this chapter.>
48 21. Page 6, line 5, by striking <The board may
49 examine> and inserting <Examine, at its discretion,>
50 22. Page 6, by striking lines 20 through 22 and

1 inserting <remedies on a respondent who has been found
2 in violation of chapter 21 or>
3 23. Page 6, line 30, after <Make> by inserting <,
4 in cooperation with the council, the attorney general,
5 and the ombudsman,>
6 24. Page 7, line 9, after <annually> by inserting
7 <by January 1>
8 25. Page 7, after line 18 by inserting:
9 <14. Coordinate, in cooperation with the council,
10 the attorney general, and the ombudsman, the
11 investigation and enforcement of complaints alleging
12 violations of chapters 21 and 22 to avoid duplication
13 of services.>
14 26. Page 8, by striking lines 2 through 17 and
15 inserting:
16 <Sec. _____. NEW SECTION. 23.8 Initial processing
17 of complaint.
18 1. Upon receipt of a complaint alleging a violation
19 of chapter 21 or 22, the executive director of
20 the board or attorney for the board shall review
21 the complaint and determine whether it is legally
22 sufficient pursuant to subsection 2.
23 2. A legally sufficient complaint must allege all
24 of the following:
25 a. Facts that would establish a violation of a
26 provision of chapter 21 or 22 or rules adopted by the
27 board pursuant to chapter 21 or 22.
28 b. Facts that would establish that the conduct
29 providing the basis for the complaint occurred within
30 sixty days of receipt of the complaint.
31 c. Facts that would establish that the subject of
32 the complaint is a party subject to the jurisdiction
33 of the board.
34 3. The complaint and the evaluation regarding
35 legal sufficiency of the complaint by the executive
36 director of the board or the attorney for the board
37 shall be referred to the chairperson of the board.
38 If the chairperson of the board is unavailable, the
39 complaint and the evaluation shall be referred to the
40 vice chairperson of the board.
41 a. If the chairperson or vice chairperson of the
42 board finds the complaint to be legally sufficient,
43 the chairperson or vice chairperson shall accept the
44 complaint and shall notify the parties of that fact in
45 writing.
46 b. If the chairperson or vice chairperson of the
47 board determines that, on its face, the complaint is
48 legally insufficient, involves harmless error, or
49 relates to a specific incident that has been previously
50 finally disposed of on its merits by the board or

1 a court, the chairperson or vice chairperson shall
2 decline to accept the complaint and shall provide the
3 complainant with a written order explaining the reasons
4 therefor.>

5 27. By striking page 8, line 18, through page 9,
6 line 4, and inserting:

7 <Sec. _____. NEW SECTION. 23.9 Informal assistance.

8 After accepting a complaint, board staff shall
9 promptly work with the parties to reach an informal,
10 expeditious resolution of the complaint.

11 Sec. _____. NEW SECTION. 23.10 Enforcement.

12 1. If informal assistance fails to resolve the
13 matter to the>

14 28. Page 9, line 25, by striking <An attorney
15 selected by the> and inserting <The executive director
16 of the board or an attorney selected by the executive>

17 29. Page 10, by striking lines 4 through 8 and
18 inserting:

19 <(1) Require the respondent to pay damages, as
20 provided for in section 21.6 or 22.10, whichever is
21 applicable, to the extent that provision would make
22 such damages payable if the complainant had sought to
23 enforce a violation in court instead of through the
24 board.

25 (02) Require the respondent to take any remedial
26 action deemed appropriate by the board.

27 (002) Publicly reprimand the respondent for
28 violations of chapter 21 or 22.>

29 30. Page 10, by striking lines 31 and 32 and
30 inserting <officer, or an employee of those branches.>

31 31. By striking page 10, line 33, through page 11,
32 line 6.

33 32. Page 11, by striking lines 7 through 23 and
34 inserting:

35 <Sec. _____. Section 68A.101, Code 2011, is amended
36 to read as follows:

37 68A.101 Citation and administration.

38 This chapter may be cited as the "*Campaign Disclosure*
39 *- Income Tax Checkoff Act*". The Iowa ethics, ~~and~~
40 campaign disclosure, and public information board shall
41 administer this chapter as provided in sections 68B.32,
42 68B.32A, 68B.32B, 68B.32C, and 68B.32D.

43 Sec. _____. Section 68A.102, subsection 2, Code 2011,
44 is amended to read as follows:

45 2. "*Board*" means the Iowa ethics, ~~and~~ campaign
46 disclosure, and public information board established
47 under section 68B.32.

48 Sec. _____. Section 68A.405, subsection 1, paragraph
49 d, Code 2011, is amended to read as follows:

50 d. If more than one individual is responsible, the

1 words "paid for by", the names of the individuals, and
2 either the addresses of the individuals or a statement
3 that the addresses of the individuals are on file with
4 the Iowa ethics, and campaign disclosure, and public
5 information board shall appear on the material.

6 Sec. _____. Section 68A.603, Code 2011, is amended to
7 read as follows:

8 **68A.603 Rules promulgated.**

9 The Iowa ethics, and campaign disclosure, and public
10 information board shall administer the provisions of
11 sections 68A.601, 68A.602, and 68A.604 through 68A.609
12 and shall promulgate all necessary rules in accordance
13 with chapter 17A.

14 Sec. _____. Section 68A.606, Code 2011, is amended to
15 read as follows:

16 **68A.606 Funds — campaign expenses only.**

17 1. The chairperson of the state statutory political
18 committee shall produce evidence to the Iowa ethics,
19 and campaign disclosure, and public information board
20 not later than the twenty-fifth day of January each
21 year, that all income tax checkoff funds expended for
22 campaign expenses have been utilized exclusively for
23 campaign expenses.

24 2. The Iowa ethics, and campaign disclosure, and
25 public information board shall issue, prior to the
26 payment of any money, guidelines that explain which
27 expenses and evidence thereof qualify as acceptable
28 campaign expenses.

29 3. Should the Iowa ethics, and campaign disclosure,
30 and public information board determine that any part of
31 the funds have been used for noncampaign or improper
32 expenses, the board may order the political party or
33 the candidate to return all or any part of the total
34 funds paid to that political party for that election.
35 When such funds are returned, they shall be deposited
36 in the general fund of the state.

37 Sec. _____. Section 68B.2, subsections 3 and 23, Code
38 2011, are amended to read as follows:

39 3. "Board" means the Iowa ethics, and campaign
40 disclosure, and public information board.

41 23. "Regulatory agency" means the department
42 of agriculture and land stewardship, department of
43 workforce development, department of commerce, Iowa
44 department of public health, department of public
45 safety, department of education, state board of
46 regents, department of human services, department
47 of revenue, department of inspections and appeals,
48 department of administrative services, public
49 employment relations board, state department of
50 transportation, civil rights commission, department of

1 public defense, Iowa ethics, and campaign disclosure,
2 and public information board, and department of natural
3 resources.

4 Sec. _____. Section 68B.32, subsections 1 and 5, Code
5 2011, are amended to read as follows:

6 1. a. An Iowa ethics, and campaign disclosure,
7 and public information board is established as an
8 independent agency.

9 b. The board shall administer this chapter and set
10 standards for, investigate complaints relating to, and
11 monitor ~~the~~ all of the following:

12 (1) The ethics of officials, employees, lobbyists,
13 and candidates for office in the executive branch of
14 state government. The board shall administer and set
15 standards for, investigate complaints relating to, and
16 monitor the campaign

17 (2) Campaign finance practices of candidates
18 for public office. The board shall administer and
19 establish standards for, investigate complaints
20 relating to, and monitor the

21 (3) The reporting of gifts and bequests under
22 section 8.7.

23 c. The board shall administer chapter 23 and set
24 standards for, investigate complaints relating to,
25 and provide an alternative means by which to secure
26 compliance with and enforcement of the requirements of
27 chapters 21 and 22.

28 d. The board shall consist of six members and shall
29 be balanced as to political affiliation as provided in
30 section 69.16. The members shall be appointed by the
31 governor, subject to confirmation by the senate.

32 5. The board shall employ a full-time executive
33 director who shall be the board's chief administrative
34 officer. The board shall employ or contract for the
35 employment of legal counsel notwithstanding section
36 13.7, and any other personnel as may be necessary
37 to carry out the duties of the board. The board's
38 legal counsel shall be the chief legal officer of
39 the board and shall advise the board on all legal
40 matters relating to the administration of this chapter
41 and ~~chapter~~ chapters 23 and 68A. The state may be
42 represented by the board's legal counsel in any civil
43 action regarding the enforcement of this chapter or
44 chapter 23 or 68A, or at the board's request, the
45 state may be represented by the office of the attorney
46 general. Notwithstanding section 8A.412, all of the
47 board's employees, except for the executive director
48 and legal counsel, shall be employed subject to the
49 merit system provisions of chapter 8A, subchapter IV.
50 The salary of the executive director shall be fixed by

1 the board, within the range established by the general
2 assembly. The salary of the legal counsel shall be
3 fixed by the board, within a salary range established
4 by the department of administrative services for
5 a position requiring similar qualifications and
6 experience.

7 Sec. _____. Section 68B.32A, subsection 1, Code 2011,
8 is amended to read as follows:

9 1. Adopt rules pursuant to chapter 17A and conduct
10 hearings under sections 23.10, 68B.32B, and 68B.32C and
11 chapter 17A, as necessary to carry out the purposes of
12 this chapter, ~~chapter~~ chapters 23 and 68A, and section
13 8.7.

14 Sec. _____. Section 68B.32A, Code 2011, is amended by
15 adding the following new subsection:

16 NEW SUBSECTION. 20. Exercise the authority,
17 powers, and duties of the board under chapter 23.

18 Sec. _____. Section 68B.35, subsection 2, paragraph
19 e, Code Supplement 2011, is amended to read as follows:

20 e. Members of the state banking council, the Iowa
21 ethics, and campaign disclosure, and public information
22 board, the credit union review board, the economic
23 development authority, the employment appeal board,
24 the environmental protection commission, the health
25 facilities council, the Iowa finance authority, the
26 Iowa public employees' retirement system investment
27 board, the board of the Iowa lottery authority, the
28 natural resource commission, the board of parole, the
29 petroleum underground storage tank fund board, the
30 public employment relations board, the state racing and
31 gaming commission, the state board of regents, the tax
32 review board, the transportation commission, the office
33 of consumer advocate, the utilities board, the Iowa
34 telecommunications and technology commission, and any
35 full-time members of other boards and commissions as
36 defined under section 7E.4 who receive an annual salary
37 for their service on the board or commission. The Iowa
38 ethics, and campaign disclosure, and public information
39 board shall conduct an annual review to determine if
40 members of any other board, commission, or authority
41 should file a statement and shall require the filing
42 of a statement pursuant to rules adopted pursuant to
43 chapter 17A.

44 Sec. _____. Section 68B.35, subsection 5, Code
45 Supplement 2011, is amended to read as follows:

46 5. a. A candidate for statewide office shall
47 file a financial statement with the Iowa ethics, and
48 campaign disclosure, and public information board,
49 a candidate for the office of state representative
50 shall file a financial statement with the chief clerk

1 of the house of representatives, and a candidate for
2 the office of state senator shall file a financial
3 statement with the secretary of the senate. Statements
4 shall contain information concerning the year preceding
5 the year in which the election is to be held.

6 b. The Iowa ethics, and campaign disclosure,
7 and public information board shall adopt rules
8 pursuant to chapter 17A providing for the filing of
9 the financial statements with the board and for the
10 deposit, retention, and availability of the financial
11 statements. The ethics committees of the house of
12 representatives and the senate shall recommend rules
13 for adoption by the respective houses providing for
14 the filing of the financial statements with the chief
15 clerk of the house or the secretary of the senate and
16 for the deposit, retention, and availability of the
17 financial statements. Rules adopted shall also include
18 a procedure for notification of candidates of the duty
19 to file disclosure statements under this section.

20 Sec. _____. Section 331.210A, subsection 2, paragraph
21 e, subparagraphs (1) and (2), Code 2011, are amended
22 to read as follows:

23 (1) The plan approved by the board of supervisors
24 shall be submitted to the state commissioner of
25 elections for approval. If the state commissioner or
26 the Iowa ethics, and campaign disclosure, and public
27 information board finds that the plan does not meet
28 the standards of section 42.4, the state commissioner
29 shall reject the plan, and the board of supervisors
30 shall direct the commission to prepare and adopt an
31 acceptable plan.

32 (2) For purposes of determining whether the
33 standards of section 42.4 have been met, an
34 eligible elector may file a complaint with the state
35 commissioner of elections within fourteen days after
36 a plan is approved by the board of supervisors of the
37 county in which the eligible elector resides, on a form
38 prescribed by the commissioner, alleging that the plan
39 was drawn for improper political reasons as described
40 in section 42.4, subsection 5. If a complaint is filed
41 with the state commissioner of elections, the state
42 commissioner shall forward the complaint to the Iowa
43 ethics, and campaign disclosure, and public information
44 board established in section 68B.32 for resolution.

45 Sec. _____. Section 331.756, subsection 15, Code
46 Supplement 2011, is amended to read as follows:

47 15. Review the report and recommendations of
48 the Iowa ethics, and campaign disclosure, and
49 public information board and proceed to institute
50 the recommended actions or advise the board that

1 prosecution is not merited, as provided in sections
2 68B.32C and 68B.32D.>
3 33. Title page, line 3, by striking <board> and
4 inserting <Act>
5 34. Title page, line 3, by striking <and effective
6 date>

LENSING of Johnson